

REMARKS

Currently claims 1-20, 29-35 and 37-41 are pending in the above-identified application. However, claims 3-20, 29-35 and 37-41 are currently withdrawn from consideration by the Reply to the Election of Species Requirement. Thus, only claims 1-2 are presently pending for examination. By this Amendment, claim 1 has been amended. Claims 21-28 and 36 have been cancelled and no new claims have been added.

Pursuant to the above amendments and following remarks, Applicants respectfully request the reconsideration of the outstanding rejections of claims 1 and 2.

Since claims 3 and 40 depend directly from independent claim 1 and dependent claim 2 Applicants respectfully note that Rejoinder of claims 3 and 40 to the pending Species Election is appropriate upon the allowance of the independent claim 1.

I. FORM 1449 ACKNOWLEDGMENT REQUESTED

The Examiner again objects to the IDS filed October 8, 2004 for failing to allegedly comply with the provisions of the 37 CFR § 1.97, 1.98 and MPEP § 609 since copies of the documents listed on the IDS were not supplied. Although Applicants do not necessarily agree with the Examiner that no copies were provided previously to USPTO, copies of the documents listed on the IDS filed October 8, 2004 have been attached herewith for Examiner's consideration. Accordingly, an initialed copy of the PTO-1449 filed October 8, 2004 for the present application is earnestly solicited.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0052864 to Yamamoto (hereinafter "Yamamoto") in view of Onuki et al. (U.S. Patent Publication No. 2001/0038719)[hereinafter "Onuki"] in view of Papagan et al. (U.S. Patent Publication No. 2002/0059604)[hereinafter "Papagan"] and further in

view of Hanamoto et al. (U.S. Patent Publication No. 2002/0019833)[hereinafter "Hanamoto"]. This rejection is respectfully traversed.

With regards to independent claim 1, Applicants claim

A metadata editing apparatus comprising:

a scene division unit for dividing multimedia content containing at least one of moving pictures and audio into a plurality of scenes to generate scene section information metadata indicating a scene start position and a scene end position for each scene obtained as a result of the division;

a thumbnail image generation unit for extracting a representative frame of each scene as a thumbnail image based on corresponding scene section information metadata sent from the scene division unit and generating thumbnail image information metadata describing position of the thumbnail image in the multimedia content;

a scene description edit unit for performing hierarchical editing of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating scene structure information metadata describing a hierarchical structure of the multimedia content; and

a metadata description unit for integrating the scene section information metadata, thumbnail image information metadata, and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format.

The Examiner acknowledges that none of Yamamoto, Papagan, and Hanamoto teaches or suggests a thumbnail image generation unit. (*See page 6, section 4 of the final Office Action.*) Thus, the Examiner imports Onuki as disclosing a thumbnail image generation unit. It is respectfully submitted that the claimed thumbnail image generation unit is distinguished from the thumbnail image generation unit of Onuki for the following reasons.

Onuki merely discloses a conventional information processing apparatus that creates thumbnail images while reducing the required memory capacity for storing the thumbnail images. More specifically, Onuki is directed to an information processing in which when input (of an image or a command) is not completed in more than a prescribed time period, only the picture images photographed on that day from among the photo-images stored in a memory are read to create thumbnail images. The created thumbnail images are stored in a buffer memory.

When set to the reproduction mode, the thumbnail images stored in the buffer memory are read and displayed on a screen in a list format. Furthermore, when the power is in the OFF position, the thumbnail images stored in the buffer memory can be deleted. Onuki is mainly directed to reduce the time required to generate thumbnail images as well as to reduce the area of memory occupied by thumbnail images. (*See abstract and paragraph [0011].*)

It is respectfully submitted that Onuki fails to teach or suggest a thumbnail generation unit that extracts a representative frame of each scene as a thumbnail image based on corresponding scene section information metadata sent from the scene division unit and generates thumbnail image information metadata describing position of the thumbnail image in the multimedia content. Indeed, the entire reference is silent on generating thumbnail image information metadata, let alone, metadata describing position of the thumbnail image in the multimedia content.

The Examiner has applied Hanamoto in combination with Yamamoto and Papagan to allegedly provide what Yamamoto and Papagan lack regarding a metadata description unit for integrating a scene section information metadata and scene structure information metadata. See, Hanamoto, paragraph 0116-0120.

Although Hanamoto appears to discuss certain metadata which is added to a moving image, and describes such characteristics as data format, language information, including location, date, object and keyword and the like. See, Hanamoto, paragraph 0117. Hanamoto is apparently silent concerning any discussion of integrating scene section information metadata, thumbnail image information metadata, and scene structure information metadata by an apparatus which would provide a thumbnail image assembled from each scene obtained as a result of the scene division unit, as more particularly defined in the above claim amendment that recite “a thumbnail image generation unit for extracting a representative frame of each scene as a thumbnail image based on corresponding scene section information metadata sent from the scene division unit and generating thumbnail image information metadata describing position of the thumbnail image in the multimedia content”.

Therefore, even if Yamamoto could be combined with Onuki, Papagan, and Hanamoto, for the basis asserted by the Examiner, which the Applicants do not concede, Applicants assert at least for the basis above with regard to claim 1, the combined invention would fail to render the instant claimed invention obvious with regards to independent claim 1.

With regards to claim 2, Applicants respectfully assert that these claims are patentably distinct over the asserted combination of Yamamoto in view of Onuki, Papagan and Hanamoto, for the reasons set forth above for independent claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-2 under § 103.

CONCLUSION


All rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claims does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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